

7A Am. Jur. 2d Automobiles § 112

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Automobiles and Highway Traffic

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III. Licensing, Taxation, and Registration

B. Drivers or Operators

2. Persons Subject to License Laws

§ 112. Nonresidents

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  129, 130

The state, under the police power, has the right to require licenses from nonresidents for the operation of motor vehicles on its highways,¹ including nonresidents operating motor vehicles engaged in interstate or foreign commerce.²

In some jurisdictions, statutes have been enacted that exempt nonresidents from driver's license requirements, provided they are residents of states that require drivers' licenses and they have complied with that requirement.³ Such a statute does not deprive residents of states whose laws do not require drivers' licenses of the equal protection of the laws.⁴ In other jurisdictions, nonresidents are exempted from driver's license requirements on a reciprocal basis: where they have complied with the license laws of their place of residence and the laws of their place of residence accord a like or reciprocal exemption to residents of such jurisdictions.⁵ If one's driver's license has been suspended or revoked in one state, that person cannot claim that a license granted to him or her in another state permits him or her to drive in the former state.⁶

Observation:

A domiciliary of another state, while residing in Virginia, can use his or her commercial driver's license, issued by the other state, to drive noncommercial vehicles in Virginia.⁷

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Footnotes

- 1 Kane v. New Jersey, 242 U.S. 160, 37 S. Ct. 30, 61 L. Ed. 222 (1916); Hendrick v. State of Maryland, 235 U.S. 610, 35 S. Ct. 140, 59 L. Ed. 385 (1915).
- 2 Kane v. New Jersey, 242 U.S. 160, 37 S. Ct. 30, 61 L. Ed. 222 (1916); Hendrick v. State of Maryland, 235 U.S. 610, 35 S. Ct. 140, 59 L. Ed. 385 (1915).
As to government regulation of interstate motor carriers, see Am. Jur. 2d, Carriers §§ 26 to 40.
- 3 State v. Chandler, 131 Me. 262, 161 A. 148, 82 A.L.R. 1389 (1932).
- 4 State v. Chandler, 131 Me. 262, 161 A. 148, 82 A.L.R. 1389 (1932).
- 5 Plunkett v. Heath, 1 N.Y.S.2d 778 (N.Y. City Ct. 1938).
- 6 State v. Dalton, 13 Wash. App. 94, 533 P.2d 864 (Div. 3 1975).
- 7 Meierotto v. Com., 50 Va. App. 1, 646 S.E.2d 1 (2007).

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